

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

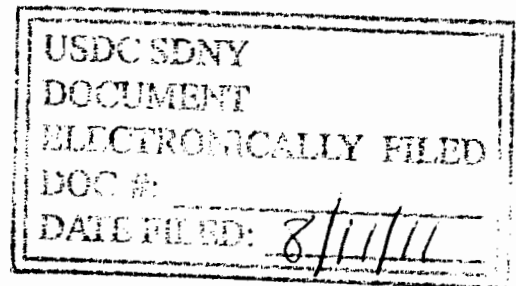
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MOSES WEISS,
on behalf of plaintiff and the class
defined herein,

Plaintiff,

v.

CAPITAL MANAGEMENT SERVICES, LP;
CMS GENERAL PARTNER, LLC;
LVNV FUNDING LLC;
RESURGENT CAPITAL SERVICES, L.P.;

Defendants.
----- X



ORDER OF DISCONTINUANCE

Case No. 1:10-cv-8329(LAK)(FM)

ORIGINAL

It having been reported to this Court that the above entitled action has been settled, and the parties and their counsel having consented to the undersigned exercising jurisdiction over this case for the limited purpose of entering this Order of Discontinuance, it is hereby

ORDERED that said action be and hereby is, discontinued with prejudice with respect to plaintiff's individual claims, and without prejudice with respect to the claims of the putative class, and without costs; provided, however, that within 30 days of the date of this order, counsel for plaintiff may apply by letter for restoration of the action to the active calendar of the court, in which event the action will be restored.

DATED: New York, New York
August 11, 2011

FRANK MAAS

United States Magistrate Judge

Tiffany N. Hardy
One of the Attorneys for Plaintiff

Scott Wortman
Attorney for Defendants

Agreed and Consented to:

Agreed and Consented to: